



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 SENATE BILL 563**

March 19, 1996 – Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT** *to amend* 20.410 (3) (hm), 20.410 (3) (ho), 20.866 (2) (v), 301.18 (1m),
2 301.26 (4) (b), 301.26 (4) (d) 3m., 301.26 (4) (d) 4. and 303.21 (1) (b); **to create**
3 303.063 of the statutes; and **to affect** 1995 Wisconsin Act (Assembly Bill
4 808), section 3 (1); **relating to:** the purchase of goods, care and services for
5 certain probationers, parolees and other offenders; authorizing the department
6 of corrections to establish a secure work program; the general program
7 operations of the department of corrections; intergovernmental corrections
8 agreements; the establishment and operation of state prison industries; youth
9 service rates; funding additional expansion of the Wisconsin Resource Center
10 under the state building program; the limitation on bed capacity of the
11 Wisconsin Resource Center; transferring moneys from the general fund to the
12 property tax relief fund; granting bonding authority; granting rule-making
13 authority; and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1

1 **SECTION 1.** 20.410 (3) (hm) of the statutes, as created by 1995 Wisconsin Act
2 27, is amended to read:

3 20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
4 and (hr), the amounts in the schedule for juvenile correctional services specified in
5 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,
6 including vehicles, from juvenile correctional institutions, all moneys received as
7 payments in restitution of property damaged at juvenile correctional institutions, all
8 moneys received from miscellaneous services provided at a juvenile correctional
9 institution, all moneys transferred under s. 301.26 (4) (cm) and, except as provided
10 in par. (hr), all moneys received in payment for juvenile correctional services
11 specified in s. 301.26 (4) (d) shall be credited to this appropriation account. If moneys
12 generated by the monthly rate exceed actual fiscal year institutional costs by 2% or
13 more, all moneys in excess of 2% shall be remitted to the counties during the
14 subsequent calendar year or transferred to the appropriation account under par. (kx)
15 during the subsequent fiscal year. Each county and the department shall receive a
16 proportionate share of the remittance and transfer depending on the total number
17 of days of placement at juvenile correctional institutions. Counties shall use the
18 funds for purposes specified in s. 301.26. The department shall deposit in the general
19 fund the amounts transferred under this paragraph to the appropriation account
20 under par. (kx).

21 **SECTION 2.** 20.410 (3) (ho) of the statutes, as affected by 1995 Wisconsin Act 77,
22 is amended to read:

23 20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for
24 providing foster care, treatment foster care, group home care and institutional child
25 care to delinquent children under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52.

1 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
2 for providing foster care, treatment foster care, group home care and institutional
3 child care to delinquent children under ss. 49.19 (10) (d), 938.48 (4) and (14) and
4 938.52 as specified in s. 301.26 (4) (e) shall be credited to this appropriation account.
5 If moneys generated by the monthly rate exceed actual fiscal year foster care,
6 treatment foster care, group home care and institutional child care costs by 2% or
7 more, all moneys in excess of 2% shall be remitted to the counties during the
8 subsequent calendar year or transferred to the appropriation account under par. (kx)
9 during the subsequent fiscal year. Each county and the department shall receive a
10 proportionate share of the remittance and transfer depending on the total number
11 of days of placement in foster care, treatment foster care, group home care or
12 institutional child care. Counties shall use the funds for purposes specified in s.
13 301.26. The department shall deposit in the general fund the amounts transferred
14 under this paragraph to the appropriation account under par. (kx).

15 **SECTION 3.** 20.866 (2) (v) of the statutes, as affected by 1995 Wisconsin Act 27,
16 is amended to read:

17 20.866 (2) (v) *Health and social services; mental health facilities.* From the
18 capital improvement fund, a sum sufficient for the department of health and social
19 services to acquire, construct, develop, enlarge or extend mental health facilities.
20 The state may contract public debt in an amount not to exceed \$71,800,500
21 \$78,200,500 for this purpose.

22 **SECTION 4.** 301.18 (1m) of the statutes is amended to read:

23 301.18 (1m) The department of health and social services shall provide the
24 facilities necessary to operate the Wisconsin resource center with ~~160~~ 460 beds. The
25 facilities may be used for persons transferred under ch. 302.

1 **SECTION 5.** 301.26 (4) (b) of the statutes, as affected by 1995 Wisconsin Act 77,
2 is amended to read:

3 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
4 the basis of the per person per day cost estimate specified in par. (d) ~~2. to 3m. and 4.~~
5 Except as provided in pars. (bm), (c) and (cm), liability shall apply to county
6 departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising
7 jurisdiction under chs. 48 and 938 for each person receiving services from the
8 department of corrections under s. 48.366, 938.183 (2) or 938.34 or the department
9 of health and social services under s. 51.35 (3). Except as provided in pars. (bm), (c)
10 and (cm), in multicounty court jurisdictions, the county of residency within the
11 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
12 par. (a) shall also be made according to the general placement type or level of care
13 provided, as defined by the department, and prorated according to the ratio of the
14 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
15 services and supplies provided by the department of corrections under ss. 48.366,
16 938.183 (2) and 938.34 and the department of health and social services under s.
17 51.35 (3).

18 **SECTION 6.** 301.26 (4) (d) 3m. of the statutes, as created by 1995 Wisconsin Act
19 27, is amended to read:

20 301.26 (4) (d) 3m. Beginning on July 1, 1996, and ending on December 31, 1996,
21 the per person daily cost assessment to counties shall be \$133.82 for care in a Type
22 1 secured correctional facility, as defined in s. 938.02 (19), \$133.82 for care for
23 children transferred from a juvenile correctional institution under s. 51.35 (3),
24 \$153.98 for care in a child caring institution, including a secured child caring
25 institution, \$106.82 for care in a group home for children, \$23.80 for care in a foster

1 home, \$68.58 for care in a treatment foster home, \$82.11 for departmental corrective
2 sanctions services and ~~\$11.48~~ \$14.95 for departmental aftercare services.

3 **SECTION 7.** 301.26 (4) (d) 4. of the statutes, as created by 1995 Wisconsin Act
4 27, is amended to read:

5 301.26 (4) (d) 4. Beginning on January 1, 1997, and ending on June 30, 1997,
6 the per person daily cost assessment to counties shall be \$133.82 for care in a Type
7 1 secured correctional facility, as defined in s. 938.02 (19), \$133.82 for care for
8 children transferred from a juvenile correctional institution under s. 51.35 (3),
9 \$157.08 for care in a child caring institution, including a secured child caring
10 institution, \$108.98 for care in a group home for children, \$24.29 for care in a foster
11 home, \$69.95 for care in a treatment foster home, \$82.11 for departmental corrective
12 sanctions services and ~~\$11.48~~ \$14.95 for departmental aftercare services.

13 **SECTION 8.** 303.063 of the statutes is created to read:

14 **303.063 Secure work program. (1)** The department may establish a secure
15 work program for inmates in which inmates are assigned to work away from the
16 grounds of the institution while appropriately restrained for security purposes.

17 **(2)** If the department establishes a secure work program under sub. (1), the
18 department shall, before implementing the program, promulgate rules specifying
19 the procedures and regulations relating to the program.

20 **SECTION 9.** 303.21 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
21 section 6401, is amended to read:

22 303.21 (1) (b) Inmates are included under par. (a) if they are participating in
23 a structured work program away from the institution grounds under s. 302.15 or a
24 secure work program under s. 303.063. Inmates are not included under par. (a) if
25 they are employed in a prison industry under s. 303.06 (2), participating in a work

1 release program under s. 303.065 (2), participating in employment with a private
2 business under s. 303.01 (2) (em) or participating in the transitional employment
3 program, but they are eligible for worker's compensation benefits under ch. 102.
4 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are
5 eligible for worker's compensation benefits under ch. 102.

6 **SECTION 10.** 1995 Wisconsin Act ... (Assembly Bill 808), section 3 (1) is
7 amended to read:

8 [1995 Wisconsin Act (Assembly Bill 808)] Section 3 (1) TRANSFER TO PROPERTY
9 TAX RELIEF FUND. There is transferred on June 30, 1997, from the general fund to the
10 property tax relief fund \$160,000,000 \$170,635,900.

11 **SECTION 9108. Nonstatutory provisions; building commission.**

12 (1) 1995-97 STATE BUILDING PROGRAM; INCREASE IN WISCONSIN RESOURCE CENTER
13 EXPANSION PROJECT BORROWING AUTHORITY. In 1995 Wisconsin Act 27, section 9108 (1)
14 (d) 1., under projects financed by general fund supported borrowing, the amount
15 authorized for the Wisconsin Resource Center expansion is increased from
16 \$12,100,000 to \$18,500,000 and the appropriate totals are increased accordingly.

17 **SECTION 9112. Nonstatutory provisions; corrections.**

18 (1) SPECIALIZED TRAINING AND EMPLOYMENT PROGRAM FOR INMATES. The
19 authorized FTE positions for the department of corrections are increased by 2.0 GPR
20 project positions to perform services related to the specialized training and
21 employment program for inmates for the period beginning on July 1, 1996, and
22 ending on June 30, 1998, to be funded from the appropriation under section 20.410
23 (1) (a) of the statutes.

24 (2) COMMUNITY, YOUTH AND FAMILY AIDS. Notwithstanding section 16.42 (1) (e)
25 of the statutes, in submitting information under section 16.42 of the statutes for the

1 purposes of the 1997-99 biennial budget bill, the department of corrections shall
2 submit information concerning the appropriation under section 20.410 (3) (cd) of the
3 statutes as though the increase in the dollar amount of that appropriation by SECTION
4 9212 (9) of this act had not been made.

5 **SECTION 9133. Nonstatutory provisions; joint committee on finance.**

6 (1) SUPPLEMENTAL FUNDING FOR INTERGOVERNMENTAL CORRECTIONS AGREEMENTS.
7 Of the moneys appropriated to the joint committee on finance under section 20.865
8 (4) (a) of the statutes for the 1996-97 fiscal year, \$2,073,800 is allocated to the
9 department of corrections for the purpose of funding new contracts between the
10 department of corrections and county jails or contracts between the department of
11 corrections and other states. Notwithstanding section 13.101 (3) (a) 1. of the
12 statutes, no finding of an emergency is required for the joint committee on finance
13 to use the moneys allocated under this subsection.

14 (2) SUPPLEMENTAL FUNDING FOR INTENSIVE SANCTIONS PROGRAM. Of the moneys
15 appropriated to the joint committee on finance under section 20.865 (4) (a) of the
16 statutes for the 1996-97 fiscal year, \$937,900 is allocated to the department of
17 corrections for the purpose of supporting the intensive sanctions program if the
18 number of intensive sanctions program participants in the community rises above
19 2,220. Notwithstanding section 13.101 (3) (a) 1. of the statutes, no finding of an
20 emergency is required for the joint committee on finance to use the moneys allocated
21 under this subsection.

22 **SECTION 9159. Nonstatutory provisions; other.**

23 (1) RECONCILIATION; TRANSFER TO PROPERTY TAX RELIEF FUND. If 1995 Wisconsin
24 Act (Assembly Bill 808) is not enacted into law, the treatment of 1995 Wisconsin

1 Act (Assembly Bill 808), section 3 (1) by this act and SECTION 9459 (1) of this act
2 are void.

3 **SECTION 9212. Appropriation changes; corrections.**

4 (1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of
5 the statutes for the appropriation to the department of corrections under section
6 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is
7 increased by \$837,000 for fiscal year 1995-96 and the dollar amount is increased by
8 \$2,337,600 for fiscal year 1996-97 to increase funding for the purpose for which the
9 appropriation is made.

10 (2) GENERAL PROGRAM OPERATIONS; PROJECT POSITIONS. In the schedule under
11 section 20.005 (3) of the statutes for the appropriation to the department of
12 corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995,
13 the dollar amount is increased by \$112,000 for fiscal year 1996-97 to fund 2.0 FTE
14 GPR project positions authorized under SECTION 9112 (1) of this act.

15 (3) GENERAL PROGRAM OPERATIONS; POSITION DECREASE. In the schedule under
16 section 20.005 (3) of the statutes for the appropriation to the department of
17 corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995,
18 the dollar amount is decreased by \$592,600 for fiscal year 1996-97 to decrease
19 funding for the purpose for which the appropriation is made and to decrease the
20 authorized FTE positions for the department by 15.03 GPR positions.

21 (4) INTERGOVERNMENTAL CORRECTIONS AGREEMENTS. In the schedule under
22 section 20.005 (3) of the statutes for the appropriation to the department of
23 corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of
24 1995, the dollar amount is increased by \$1,357,800 for fiscal year 1995-96 and the

1 dollar amount is increased by \$752,900 for fiscal year 1996-97 to increase funding
2 for the purpose for which the appropriation is made.

3 (5) INTENSIVE SANCTIONS. In the schedule under section 20.005 (3) of the
4 statutes for the appropriation to the department of corrections under section 20.410
5 (1) (ai) of the statutes, as affected by the acts of 1995, the dollar amount is decreased
6 by \$523,900 for fiscal year 1995-96 and the dollar amount is decreased by \$913,900
7 for fiscal year 1996-97 to decrease funding for the purpose for which the
8 appropriation is made and to decrease, on July 1, 1996, the authorized FTE positions
9 for the department by 12.5 GPR positions for the performance of services relating to
10 intensive sanctions.

11 (6) PURCHASED GOODS, CARE AND SERVICES FOR OFFENDERS. In the schedule under
12 section 20.005 (3) of the statutes for the appropriation to the department of
13 corrections under section 20.410 (1) (d) of the statutes, as affected by the acts of 1995,
14 the dollar amount is increased by \$15,300 for fiscal year 1995-96 and the dollar
15 amount is increased by \$59,600 for fiscal year 1996-97 to increase funding for the
16 purpose for which the appropriation is made.

17 (7) SPECIAL LIVING ARRANGEMENTS. In the schedule under section 20.005 (3) of
18 the statutes for the appropriation to the department of corrections under section
19 20.410 (1) (dd) of the statutes, as affected by the acts of 1995, the dollar amount is
20 decreased by \$22,200 for fiscal year 1996-97 to decrease funding for the purpose for
21 which the appropriation is made.

22 (8) SECURE WORK PROGRAM. In the schedule under section 20.005 (3) of the
23 statutes for the appropriation to the department of corrections under section 20.410
24 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased
25 by \$183,800 for fiscal year 1996-97 to increase the authorized FTE positions for the

1 department by 4.0 GPR positions for the performance of duties relating to a secure
2 work program for inmates.

3 (9) COMMUNITY, YOUTH AND FAMILY AIDS. In the schedule under section 20.005
4 (3) of the statutes for the appropriation to the department of corrections under
5 section 20.410 (3) (cd) of the statutes, as affected by the acts of 1995, the dollar
6 amount is increased by \$1,500,000 for fiscal year 1996-97 to increase funding for
7 distribution to counties for the cost of care and services specified in section 301.26
8 (4) (d) 3m. and 4. of the statutes, as affected by this act.

9 (10) SERIOUS JUVENILE OFFENDERS. In the schedule under section 20.005 (3) of
10 the statutes for the appropriation to the department of corrections under section
11 20.410 (3) (cg) of the statutes, as affected by the acts of 1995, the dollar amount is
12 decreased by \$11,130,300 for fiscal year 1996-97 to decrease funding for the
13 purposes for which the appropriation is made.

14 (11) JUVENILE CORRECTIONAL SERVICES. In the schedule under section 20.005 (3)
15 of the statutes for the appropriation to the department of corrections under section
16 20.410 (3) (hm) of the statutes, as affected by the acts of 1995, the dollar amount is
17 decreased by \$5,961,700 for fiscal year 1996-97 to decrease the authorized FTE
18 positions for the department by 90.68 PR positions on July 1, 1996, for the
19 performance of services for which the appropriation is made.

20 (12) JUVENILE ALTERNATE CARE. In the schedule under section 20.005 (3) of the
21 statutes for the appropriation to the department of corrections under section 20.410
22 (3) (ho) of the statutes, as affected by the acts of 1995, the dollar amount is increased
23 by \$1,954,300 for fiscal year 1996-97 to increase funding for the purposes for which
24 the appropriation is made.

25 **SECTION 9234. Appropriation changes; joint committee on finance.**

